

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH SNYDER and
JACQUELINE SNYDER

v.

TAWOOS BAZARGANI and
PAUL BAGHERPOUR

:
:
:
:
:
:
:

CIVIL ACTION

NO. 02-cv-08845-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

October 24, 2007

After a jury trial, plaintiffs obtained a judgment against both defendants for compensatory damages in the sum of \$40,000, and against the defendant Bazargani for \$20,000 in punitive damages. The defendant Bazargani applied for a stay of the judgment pending completion of her appeal to the Third Circuit. Plaintiffs entered into a stipulation with Dr. Bazargani which had the effect of staying the judgment until the Third Circuit rendered its decision.

The judgment was affirmed by the Third Circuit, and, apparently, Dr. Bazargani has applied for a writ of certiorari to the Supreme Court of the United States. She has now filed a "Objection To Plaintiffs' Writ Of Execution In Reference To The Judgment Entered Against Defendant In The Above Identified Claim." She contends, as I understand it, (1) that the previously-granted stay of execution is still in effect; (2) that the plaintiffs are improperly trying to collect from her the full amount of the judgment against her (\$60,000), whereas she is

liable for only one-half of the compensatory award plus the punitive damages, a total of \$40,000; and (3) that the property plaintiffs' have levied upon is worth much more than the amount of the judgment, and that plaintiffs are therefore acting improperly. None of these arguments has merit. Both defendants are jointly and severally liable for the \$40,000 compensatory award (If plaintiffs collect the full amount from Dr. Bazargani, she would have the right to seek contribution from her co-defendant for his one-half of the liability.). The previously-granted stay of the judgment has expired. (If defendant wishes a further stay, she will have to post security to cover her liability.) If defendant's property is sold at auction to pay off plaintiffs' judgment, plaintiffs can receive only the full amount of their judgment: any excess would remain the property of Dr. Bazargani.

An Order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH SNYDER and
JACQUELINE SNYDER

v.

TAWOOS BAZARGANI and
PAUL BAGHERPOUR

:
:
:
:
:
:
:

CIVIL ACTION

NO. 02-cv-08845-JF

ORDER

AND NOW, this 24th day of October 2007, upon consideration of "Defendant Tawoos Bazargani, M.D.'s Objection to Plaintiffs' Writ of Execution In Reference To The Judgment Entered Against Defendant In The Above Identified Claim," and plaintiffs' response, IT IS ORDERED:

1. The "Objection," treated as a motion, is DENIED.
2. The defendant Bazargani may obtain a further stay of the judgment until final determination of her pending application to the United States Supreme Court for a writ of certiorari only by posting security (in the form of cash or a corporate surety bond) in the sum of \$75,000 (to cover the amount of the judgment plus possible accrual of interest until the stay expires).

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.